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PATRICK E. DUFFY

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,	)	CR 07-04-BU-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
WILLIAM JAMES GALLENARDO,	)	
	)	
Defendant.	)	
	)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on October 4, 2007. Judge Lynch recommended modifying the Court's Preliminary Order of Forfeiture to exempt the Olympus Camera, serial number 242728810, from forfeiture. The government did not file objections to Judge Lynch's Findings and Recommendation, and thus, the Findings and Recommendation will be reviewed for clear error. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v.

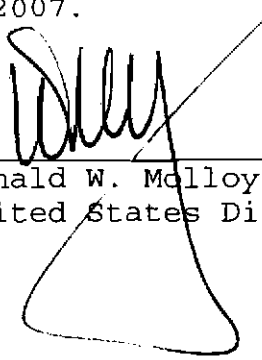
Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch determined Linda Jollo had a vested right to, or interest in, the camera at the time Defendant committed the acts giving rise to the forfeiture because she purchased the camera with Defendant to pursue her interest in photography. See 21 U.S.C. § 853(n)(6)(A). Defendant has disclaimed any interest in the camera, and the government does not contest Jollo's interest in the camera. After a review of Judge Lynch's Findings and Recommendation, I find no clear error and thus adopt the Findings and Recommendation in full.

Accordingly, IT IS HEREBY ORDERED that Judge Lynch's Findings and Recommendation are adopted in full. The Court's Preliminary Order of Forfeiture is modified to exempt the Olympus Camera, serial number 242728810, from forfeiture.

IT IS FURTHER ORDERED that the Clerk of Court shall send a copy of this Order to Linda Jollo at the following address: P.O. Box 3917, Bozeman, Montana 59772.

Dated this 19<sup>th</sup> day of October, 2007.

  
\_\_\_\_\_  
Donald W. Molloy, Chief Judge  
United States District Court